

# Exhibit A

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE ) Docket No. 18 C 864  
)  
DEALER MANAGEMENT SYSTEMS ) Chicago, Illinois  
ANTIRUST LITIGATION ) August 16, 2018  
) 9:21 a.m.  
)

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE ROBERT M. DOW, JR.

APPEARANCES:

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1 APPEARANCES: (Continued)

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ALSO PRESENT:

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1 happy to work with -- there's no arbitration motion with  
2 Mr. Ho's clients. It's Ms. Wedgworth's clients that have  
3 refused to allow us to join calls that involved cross-issues,  
4 so we have been completely unable to coordinate discovery  
5 between her case and all of the other cases.

6 THE COURT: And that's because of the arbitration  
7 issues.

8 MS. WEDGWORTH: Actually, your Honor, the only time  
9 that has come up is with regard to CDK serving discovery on us.  
10 The petition there is CDK served discovery on us. So in our  
11 meet and confers on that we had meet and confers with CDK  
12 counsel. I don't understand why Reynolds should be involved  
13 with those meet and confers.

14 MS. GULLEY: Mr. Ross.

15 MR. ROSS: Just to clarify. I think the disconnects  
16 here in terms of coordinated discovery, discovery is to be  
17 coordinated in theory. But, in fact, the individual plaintiffs  
18 and dealer-class plaintiffs have served separate document  
19 requests, have insisted on separate meet and confer sessions.  
20 This is not facts to coordinate -- it has caused, frankly,  
21 quite a bit of difficulty.

22 THE COURT: Right. Now, in terms of coordinating  
23 discovery, that's something you should take up with Judge  
24 Gilbert because he is going to be the one who pushes people's  
25 heads together; it won't be me.

1           But on the issue of how discovery relates to the  
2           arbitration motion, that's something that I need to figure out  
3           because I am the one who has to rule on the arbitration motion.  
4           But I assume that Ms. Gulley having raised this, that you will  
5           address this in your -- somewhere in those 100 pages.

6           MS. WEDGWORTH: The arbitration?

7           THE COURT: Yes. And, also, if there's any issues  
8           regarding whether discovery should be proceeding or waiver -- I  
9           guess waiver is the thing you're worried about.

10          MS. WEDGWORTH: We will, your Honor, yes.

11          THE COURT: Okay. Perfect. And if you need relief  
12          before then, you can let me know with a motion.

13          MS. GULLEY: Sounds like we do, so we will.

14          THE COURT: Yes. Then you guys can call each other  
15          and agree on a schedule for briefing that motion. And because  
16          that motion relates to the arbitration motion, you should  
17          notice that with me instead of Judge Gilbert.

18          MS GULLEY: Thank you.

19          MS. MILLER: And, your Honor, just for clarity's sake.  
20          We don't think it's necessarily an administrative issue. And  
21          if discovery is being stayed pending a ruling on the  
22          arbitration motion, --

23          THE COURT: Mm-hmm.

24          MS. MILLER: -- then all discovery should be stayed on  
25          the basis of this is supposed to be a coordinated MDL. So we

1 would be opposed and would like to be heard if there's some  
2 consideration or some thought that discovery should go forward  
3 on the individual cases and not on the dealer cases because  
4 they've adopted each other's discovery, and we obviously don't  
5 want our folks deposed twice or anything like that.

6 So we would have a problem to the extent that there  
7 was some sort of argument that some should go forward and  
8 others should not. So from our perspective it's an all or  
9 nothing.

10 MS. WEDGWORTH: Your Honor, this has been a step too  
11 far there. We've agreed from the start, depositions we don't  
12 plan to duplicate. All of that is to be coordinated. To the  
13 extent we can coordinate, we are. To the extent we can't, we  
14 each have to represent our own classes and we do so vigorously,  
15 understanding that the benefit to all to coordinate will give  
16 us efficiency. We are 100 percent behind efficiency, do not  
17 want to duplicate. If there's a way to coordinate, we can.  
18 But we're not going to risk our own clients' rights for certain  
19 requests or certain dealings or certain arguments just in the  
20 sake to coordinate.

21 THE COURT: Well, the whole reason you're here is  
22 coordinated pretrial proceedings, that's why the MDL put this  
23 thing together. But I also -- I'm having a hard time  
24 envisioning any scenario in which grinding discovery to a  
25 complete halt would make sense. There has got to be something

1 you can move forward on, no matter what's still suspended in  
2 air. But that's all abstract. If you want something concrete  
3 that's anything different than what Judge St. Eve said, that so  
4 far I have blessed, you have got to tee it up and explain it  
5 out. And I will move as quickly as I can on all of these  
6 motions to keep you guys moving.

7 MS. GULLEY: Appreciate it.

8 THE COURT: Anything else on your list for today?  
9 Anybody? Anybody?

10 Okay. So when to come back. So you're going to be  
11 seeing Judge Gilbert periodically I assume, because I saw  
12 something entitled omnibus motion to compel or something like  
13 that. Those are the kinds of things that I say "Oh, thank God  
14 we have a magistrate judge on this case."

15 (Laughter.)

16 THE COURT: Because the pile of motions to dismiss  
17 you've given me, and these 100-page briefs are going to be  
18 quite a lot for me to digest, too. As long as you're  
19 proceeding with him for discovery, I wonder if it makes sense  
20 for me to hold off on setting a status date until I've at least  
21 reviewed the briefs on the motion to dismiss. What may well  
22 happen is I will review the briefs and decide there are a few  
23 issues that would benefit from a hearing, an oral hearing, as  
24 opposed to just me deciding them on the paper. If I do that, I  
25 would give you guys the questions in advance so you would know



1 what's bothering me, because that works a lot better.

2 If I set it for an oral argument, you're just going to  
3 repeat your briefs, unless you know what I'm talking about.  
4 But if I'm actually concerned about three particular issues and  
5 I give you the questions in advance, it's a much better  
6 hearing. So my guess is that's what will happen. So I will  
7 not give you another date until I've read the briefs.

8 Now, I will give you another briefing schedule as soon  
9 as I resolve No. 290, okay? Sound good?

10 MS. WEDGWORTH: Yes, your Honor.

11 MR. HO: Yes, your Honor.

12 THE COURT: Fantastic. Good to see you all. Happy  
13 travels back to wherever you're going. And I will get on 290  
14 as fast as I can.

15 MS. WEDGWORTH: Great. Thank you, your honor.

16 MS. GULLEY: Thank you, your Honor.

17 THE COURT: Thanks, everybody. Good to see you all.

18 (Proceedings concluded.)

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20 C E R T I F I C A T E

21 I certify that the foregoing is a correct transcript from  
22 the record of proceedings in the above-entitled matter.

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25 /s/Kristin M. Ashenhurst, CSR, RDR, CRR SEPTEMBER 13, 2018  
Kristin M. Ashenhurst, CSR, RDR, CRR Date  
Federal Official Court Reporter